

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

FOREST RIVER, INC.,)	
Plaintiff,)	
)	
vs.)	
)	Case No.: 3:10-cv-011 TLS-CAN
HEARTLAND RECREATIONAL VEHICLES,)	
LLC,)	
)	
Defendant.)	
)	

**DEFENDANT HEARTLAND RECREATIONAL VEHICLES, LLC'S
MOTION TO DISMISS PLAINTIFF FOREST RIVER, INC.'S
AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM**

Defendant, Heartland Recreational Vehicles, LLC ("Heartland"), by counsel, respectfully submits this Motion to Dismiss Plaintiff Forest River, Inc.'s Amended Complaint for Failure to State a Claim, and in support of its motion states as follows:

1. Pursuant to Fed. R. Civ. P. 12(b)(6), Heartland moves to dismiss all claims purportedly stated in the Amended Complaint for failure to state a claim upon which relief can be granted, including:

- (a) Any claim for copyright infringement based on Heartland's use of the RP-176 drawing to construct its MPG recreational vehicle;
- (b) Any claim for copyright infringement based on Heartland's use of the RP-176 drawing in its comparative advertising;
- (c) Any claim for contributory infringement against Heartland; and
- (d) Any claim for unfair competition under federal or state law.

2. The grounds for dismissal of all claims are set forth more completely in Heartland's Memorandum in Support of Motion to Dismiss Plaintiff Forest River, Inc.'s Amended Complaint for Failure to State a Claim.

WHEREFORE, Heartland respectfully requests that the Court dismiss Forest River's Amended Complaint in its entirety, and for all other just and proper relief.

Respectfully submitted,

BAKER & DANIELS LLP

By: /s/ David P. Irmischer

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CERTIFICATE OF SERVICE

The undersigned counsel for defendant Heartland Recreational Vehicles, LLC, hereby certifies that a copy of the foregoing was served upon the following, this 26th day of March, 2010, by operation of the Court's ECF System.

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/s/ David P. Irmischer
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